IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

APPEAL FROM ORDER NO.352 OF 2007

In

NOTICE OF MOTION NO.40 OF 2006

In

B.C.C.C.L.C. SUIT NO.69 OF 2006

Shri Manohar Laxman Sawant : Appellant
(Orig.Plaintiff)

V/s.

The Commissioner,
The Municipal Corporation of Greater
Mumbai & Anr. : Respondents
(Orig.Defendants)

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Mr.J.G.Shukla i/b. M/s.G.H.Shukla & Co., for the appellant.

Ms Geeta Joglekar for respondent no.1.

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CORAM : S.A.BOBDE, J.

DATE : JULY 02, 2007.

P.C.

Heard.

2. After arguing the appeal for sometime, the learned Advocate for the appellant, on instructions of the

appellant, states that he is unconditionally withdrawing the suit and the appeal. He, however, submits that liberty may be granted to the appellant to apply for regularisation of the offending structure. He prays that for a limited time, the suit structure may be protected so that he can apply for regularisation. I have heard the Advocate appearing for the respondent no.1.

3. The appeal is disposed of by passing the following order:-

O R D E R

(i) The Appeal from Order and L.C. Suit no.69 of 2006 stand dismissed as withdrawn.

(ii) If an application is made by the appellant to the concerned authority of the first respondent-Corporation for regularisation of the suit structure within a period of six weeks from today, the same shall be decided by the concerned authority within a period of eight weeks from the date of filing of the application. The order passed on the application shall be communicated by the first respondent to the appellant within one week from the date of passing the order.

(iii) In case an application for regularisation is made within six weeks from today, the first respondent will not take action of demolition for a period of twenty weeks from today. In case the application is not made within the stipulated time, it will be open for the first respondent to take action of demolition on expiry of period of six weeks.

(iv) The application for regularisation will be decided on its own merits.

(v) The trial Court will pass a formal order on the suit in terms of this order on receipt of the writ of this order.

(vi) Parties to act upon an authenticated copy of this order.

S.A. BOBDE, J.